REMARKS

This amendment and response is in response to the Office Action, dated June 13, 2007 ("Office Action"). Following entry of the present amendment, claims 1-29, 31-50, 52-74, 77 and 79-101 remain pending; claims 1, 31, 52-59, 61, 64-67, 72-73, 77, 80-81, 86-87, 89-98 and 101 having been amended; and claims 76 and 78 having been canceled (claims 30, 51 and 75 having previously been canceled) by virtue of the present amendment. No new matter has been added. Examination of the pending claims in view of the foregoing amendment and ensuing remarks is respectfully requested.

An Interview with Examiner Greta Lee Robinson was conducted on June 28, 2007, for which Applicants thank Examiner for her time. During the Interview, Applicants requested Examiner to reconsider withdrawing the finality of the Office Action because the new rejections were not necessitated by Applicants' previous amendment. It was pointed out to Examiner Robinson that the previous amendment merely changed the following: (1) corrected obvious grammatical and typographical errata; (2) added language to overcome the §101 rejection by adding the phrase "adapted to" into the claims and to clarify that the claimed invention was adapted to perform the function recited in the preamble, thereby clarifying the positive limitation to the claim (*e.g.*, claim 52 was amended to recite "wherein the relevancy determination unit is adapted to determine the relevancy of the keyword."); and (3) added language for an additional limitation that was previously in dependent claim 75 (and thereby canceling claim 75), which was free from the prior art of record, to the independent claims (*i.e.*, the independent claims were amended to recited that the relevancy determination unit was adapted "to attach a relevancy level to the keyword."). As such, Applicants believed that the new rejections based on prior art were improperly made final. Examiner disagreed and refused to withdraw the finality of the rejection. However, Examiner invited Applicants to request reconsideration in the form of Remarks to the present Amendment. In light of the aforementioned reasons, Applicants hereby respectfully request reconsideration of the finality of the Office Action and request the withdrawal of the finality of the Office Action and entry of the present amendment.

During the Interview Examiner also indicated that an amendment that confers a realized function in the claims would obviate the §101 rejection. For example, Examiner indicated that amending claim 52 to recite "...a first interface adapted to receive _and receives_ information relating to a reception of a keyword..." is acceptable and will obviate the §101 rejection. Applicants thank Examiner for her suggestion.

Claims 52-59, 61, 64-67, 72-73, 77, 80-81, 86-87, 89-98, and 101 have been amended to confer a realized function; for example, phrases such as "and receives," "and calculates," "and attaches," "and stores," "and determines," "and updates," "and estimates," and "monitors," "and compensates," "and is coupled," "and compares," "and provides," "and attaches," "and coordinates," "and temporarily holds," "and filters," "and parses and stems," "and excludes," "and extracts and processes," "and discards," "and links," "and deletes," "and inserts," "and performs," "and matches," or "and provides," have been added, per Examiner's suggestion.

Claim 52 has been amended to recite that the "relevancy level" of the relevancy determination unit "is defined by a relevancy level threshold." Support for this amendment may be found throughout the specification and in canceled claim 76.

Claim 77 has been amended to recite that the system also comprises "at least one module selected from the group of modules consisting of: a message coordinator module adapted to coordinate and coordinates a handling of a plurality of information packets, a message buffer adapted to temporarily hold and temporarily holds the plurality of information packets, a message filter module adapted to filter and filters a plurality of information packets according to predefined rules, a term extractor module adapted to parse and stem and parses and stems a plurality of information packets, a terms filter adapted to exclude and excludes a real time term according to predefined rules, a queries coordinator module adapted to coordinate and coordinates the processing of a client query, a query-term extractor adapted to parse and stem and parses and stems an incoming query to extract and process and extracts and processes an operative query-term, and a query-term filter adapted to exclude and excludes a specific

query-term in a predefined manner." Support for this amendment may be found throughout the specification and in canceled claim 78.

Claim 101 has been amended to recite that the "relevancy level" of the relevancy determination unit "is defined by a relevancy level threshold." Support for this amendment may be found throughout the specification and in canceled claim 76.

Examiner rejected claims 52-98 and 101 under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. Examiner found that independent claims 52, 77 and 101 "are directed to an abstract idea and do not present a concrete tangible result [and] are directed to nonfunctional descriptive material which is non-statutory and simply recite an arrangement of data as opposed to a realized function."

In response to Applicants' previous Amendment, Examiner stated that the limitation "adapted" does not indicate that a function has been executed by the system and only states that it is capable of such a process. Thus, Examiner maintained her rejection under §101. Applicants respectfully traverse this rejection.

Applicants in no way concede to the merits of Examiner's rejection. However, in an effort to advance prosecution, Applicants have amended claims 52-59, 61, 64-67, 72-73, 77, 80-81, 86-87, 89-98, and 101 in the fashion suggested by the Examiner. The amended claims recite that the components each perform the recited function. For example, the claims have been amended to recite "a first interface adapted to receive *and receives*...a processor adapted to calculate *and calculates*...a storage unit...adapted to store *and stores*...the relevancy determination unit is adapted to determine *and determines*..." Accordingly, Applicants respectfully submit that the claims, as amended, are not directed to an abstract idea or nonfunctional descriptive material; rather, the claims recite a realized function and present a concrete tangible result. Applicants respectfully request reconsideration and withdrawal of this rejection under §101.

Examiner rejected claims 52-55 under §102(e) as being allegedly anticipated by Abe *et al.*

With respect to claim 52, Examiner found that Abe *et al.* teaches a relevancy determination unit that comprises "a first interface adapted to receive information relating to a reception of keywords; a processor adapted to calculate a current reception patterns and a previous reception patters in response to the reception of information relating to the reception of the keyword and attain a relevancy level to the keyword; and a storage unit coupled to the first interface and processor, adapted to store the current reception patters, the previous reception patterns and information relating to the reception of the keyword, wherein the relevancy determination unit is adapted to determine the relevancy of the keyword." (Internal citations omitted.) Examiner found that claims 53-55 were anticipated by Abe *et al.* because Abe *et al.* discloses that "the processor is operable to determine the relevancy [and is] further adapted to receive a keyword extracted [and] wherein the first interface is coupled to a search engine to receive a term extracted from the client query." (Internal citations omitted.) Examiner responded to Applicants' previous Amendment regarding Abe *et al.*'s lack of teaching that the buffer unit is coupled to the processor with a statement that Abe *et al.* depicts all elements as connected or coupled. Applicants respectfully traverse this rejection.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP §2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)). Furthermore, a patent cannot be relied upon as anticipatory to the extent that the scope of its disclosure does not reasonably suggest those aspects relied upon in the rejection. *See Merck & Co. v. Biocraft Laboratories*, 874 F.2d 804, 10USPQ2d 1843 (Fed. Cir.), *cert. denied*, 493 U.S. 975 (1989); MPEP §2123.

First, Claim 52 was previously amended to recite that the relevancy determination unit was adapted "to attach a relevancy level to the keyword." This limitation was previously found in previously canceled claim 75, which was free

from the prior art of record. Examiner failed to address this previous amendment. Examiner cited various portions of Abe *et al* to form her rejection of claims 52-55. However, Applicants respectfully submit that the cited portions do not describe attaching a relevancy level to a keyword. As such, Applicants are unclear as to why Examiner believes that claim 52 remains anticipated by Abe *et al.*

Nonetheless, in the interest of advancing prosecution and in no way conceding to the merits of Examiner's rejection, Applicants have amended claim 52 to further recite the limitation of claim 76, which is also free from the prior art of record. As such, claim 52 recites that the "relevancy level" of the relevancy determination unit "is defined by a relevancy level threshold."

In light of the foregoing, Applicants respectfully request reconsideration and withdrawal of this rejection under §102(e).

Examiner rejected claim 77 under §103(a) as being allegedly unpatentable over Abe *et al.* in view of Kinoshita *et al.* (U.S. Pat. No 5,715,446). Examiner acknowledged that Abe *et al.* did not specifically teach real time processing. However, Kinoshita *et al.* was cited as disclosing "a search engine that provides real time processing." Thus, Examiner concluded that it would have been obvious to one of skill in the art to combine Kinoshita *et al.* with Abe *et al.* because "real time processing would enable a specific operation or request to be processed immediately after the stream of data is input for processing and the end user would not be delayed in receiving results." Applicants respectfully traverse this rejection.

One basic criteria to establish a prima facie case of obviousness is that the "prior art reference...must teach or suggest <u>all</u> the claim limitations." (Emphasis added.) See MPEP §2142.

Similar to claim 52, claim 77 had previously been amended to recite that the relevancy determination unit was adapted "to attach a relevancy level to the keyword." This limitation was previously found in previously canceled claim 75, which was free from the prior art of record. However, Examiner failed to address

this previous amendment and Applicants are unclear as to why claim 77 is rendered obvious by Abe *et al.* in light of Kinoshita *et al.*, because the prior art references in combination do not teach or suggest all the claim limitations.

Again, in the interest of advancing prosecution and in no way conceding to the merits of Examiner's rejection, Applicants have amended claim 77 to further recite the limitations of claim 78, which is also free from the prior art of record. As such, claim 77 recites that the system comprises at least one module selected from the group enumerated of modules. Accordingly, Abe *et al.* in light of Kinoshita *et al.* does not teach or suggest all the claim limitations.

Applicants respectfully submit that claim 77 is not rendered obvious by Abe *et al.* in view of Kinoshita *et al.* Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 77 under §103(a).

Examiner rejected claim 101 under §103(a) as being unpatentable over Abe *et al.* in view of Lee (U.S. Pat. App. Pub. No. 2002/0138475). Examiner acknowledged that Abe *et al.* does not specifically teach real time processing or an alert module coupled to the relevancy determination unit. Thus, Lee was cited as disclosing "online processing (*i.e.* real time) in which additional modules may be added such as an alert module." (Internal citations omitted.) Examiner concluded that it would have been obvious to one of skill in the art to combine the teachings of Lee with Abe *et al.* because "it would allow the received data in Abe *et al.* to alert specified users of a match in real time, enhancing the overall speed of the system. Examiner further noted that Lee teaches various modules that may be added to enhance the search process.

Similar to claim 52, claim 101 had previously been amended to recite that the relevancy determination unit was adapted "to attach a relevancy level to the keyword." This limitation was previously found in previously canceled claim 75, which was free from the prior art of record. However, Examiner failed to address this previous amendment and Applicants are unclear as to why claim 77 is rendered obvious by Abe *et al.* in light of Lee because the prior art references in combination do not teach or suggest all the claim limitations.

Again, in the interest of advancing prosecution and in no way conceding to the merits of Examiner's rejection, Applicants have amended claim 101 to further recite the limitation of canceled claim 76, which was also free from the prior art of record. As such, claim 101 recites that the "relevancy level" of the relevancy determination unit "is defined by a relevancy level threshold." Accordingly, Abe *et al.* in light of Kinoshita *et al.* does not teach or suggest all the claim limitations.

Applicants respectfully submit that claim 101 is not rendered obvious by Abe *et al.* in view of Lee Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 101 under §103(a).

Applicants respectfully submit that a rejoinder of the non-elected claims is now proper. First, Applicants respectfully draw Examiner's attention to the following:

> "Where claims directed to a product and to a process of…using the product are presented in the same application, applicant may be called upon under 35 U.S.C. § 121 to elect claims to either the product or a process . . . However, if applicant elects claim(s) directed to the product, which is subsequently found allowable, withdrawn process claims which…require all the limitations of an allowable product claim will be considered for rejoinder." MPEP § 821.04(b).

Applicants respectfully submit that claims 52 and 77, as amended, are allowable, and thus claims 1 and 31 and the claims that depend therefrom, which contains all the limitations of claims 77 and 52, respectively, must be considered for rejoinder and should be rejoined because the process claims commensurate in scope with the allowable product claim.

Applicants respectfully submit that the scope of the non-elected claims is not disproportionately different from the process claims such to prevent the rejoinder of non-elected claims. Applicants respectfully emphasize that the scope of claim 52 covers a product that may be used *to perform a relevancy determination of a keyword*; and the scope of non-elected claims 31-51 and 100 covers a process of using the product of claim 52 to perform a relevancy determination of a keyword. Accordingly, claim 52 and non-elected claims 31-51 and 100 commensurate in scope as they all relate to relevancy determination of a keyword. Similarly, Applicants respectfully emphasize that the scope of claim
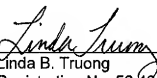
77 covers a product that may be used for receiving and processing real time terms; and the scope of non-elected claims 1-30 and 99 covers a process of using the product of claim 77 for receiving and processing real time terms. Accordingly, claim 77 and non-elected claims 1-30 and 99 commensurate in scope as they all relate to <u>receiving and processing real time terms</u>.

In light of the foregoing, Applicants respectfully request reconsideration for the rejoinder and rejoinder of claims 1-51 and 99-100.

All of the claims remaining in the application are now believed to be allowable. Favorable consideration and a **Notice** of Allowance are earnestly solicited.

If questions remain regarding this application, the Examiner is invited to contact the undersigned at (213) 633-6800.

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Respectfully submitted,
Boaz JASCHEK, *et al.*
DAVIS WRIGHT TREMAINE LLP

By _____
Linda B. Truong
Registration No. 56,461

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865 South Figueroa Street, Suite 2400
Los Angeles, CA 90017-2566
Phone: (213) 633-6800
Facsimile: (213) 633-6899